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INTERGOVERNMENTAL AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF THE ARMY
AND THE STATE OF FLORIDA
ESTABLISHING INTERIM TARGETS
FOR
THE COMPREHENSIVE EVERGLADES RESTORATION PLAN

DRAFT: 08/31/06

A. INTRODUCTION AND PURPOSE

The State of Florida and the U.S. Army Corps of Engineers are committed to a continuing partnership to achieve the restoration, preservation, and protection of the South Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. This partnership is reflected in section 601 of the Water Resources Development Act of 2000 (WRDA 2000) authorizing the Comprehensive Everglades Restoration Plan (Plan); the Programmatic Regulations for the Comprehensive Everglades Restoration Plan at 33 C.F.R. Part 385 issued by the Secretary of the Army, with the concurrence of the Governor of Florida and the Secretary of the Interior, providing for the implementation of the Plan; and the Comprehensive Everglades Restoration Plan - Assurance of Project Benefits Agreement among the Secretary of the Army, the Secretary of the Interior and the Governor of Florida. The State of Florida and the U.S. Army Corps of Engineers continued the partnership in establishment of the Acceler8 Program, where the State agreed to fund expedited implementation of several components included in the Plan and the U.S. Army Corps agreed to expedite processes necessary for early implementation. The State of Florida, through the South Florida Water Management District, also agreed to proceed with its Acceler8 Program components consistent with WRDA 2000 and applicable State and Federal law. To further this partnership, consistent with Section 601 of WRDA 2000 and Part 385 of the Programmatic Regulations, the State of Florida and the U.S. Army Corps of Engineers execute this Agreement to establish interim targets for the Plan.

The purpose of the interim targets is to provide a means for evaluating progress toward meeting other water related needs of the region provided by the Plan. Interim targets will be used to analyze progress at specific intervals of time by agency managers, the State, and Congress throughout the overall planning and implementation process for the Plan. The interim targets will also facilitate adaptive management of the Plan to allow the Corps of Engineers and its non-Federal sponsors opportunities to make adjustments to projects in the Plan, including recommending changes to the Plan, if actual project performance toward meeting other water related needs of region provided by the Plan is less than anticipated.

B. BACKGROUND

Section 385.38 of the programmatic regulations requires the Secretary of the Interior, the Secretary of the Army, and the Governor of Florida, in consultation with the Environmental Protection Agency, the Department of Commerce, the Miccosukee Tribe of Indians of Florida, the Seminole Tribe of Florida, other Federal, State, and local agencies, and the South Florida

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1 Ecosystem Restoration Task Force, and after consideration of public comment, to develop and
2 execute an agreement to establish interim restoration goals for evaluating the restoration success
3 of the Plan. Section 385.39 of the programmatic regulations requires the Secretary of the Army
4 and the Governor of Florida to establish interim targets for evaluating progress towards other
5 water related needs of the region and requires that the interim goals and interim targets be
6 consistent with each other.

7
8 Consistent with the programmatic regulations, the Restoration Coordination and Verification
9 (RECOVER) team, using the best science and information available at the time (2003), developed
10 recommendations for interim targets and provided these recommendations to the Army Corps of
11 Engineers and the South Florida Water Management District for their consideration prior to
12 executing this Agreement (a separate interim goals agreement will be executed by the State of
13 Florida, the Army Corps of Engineers, and the U.S. Department of the Interior). The RECOVER
14 recommendations for interim targets for the Plan, along with associated documentation and
15 appendices to provide greater detail on the interim targets, including the assumptions and
16 limitations of the recommended interim targets, are contained in a document entitled “RECOVER
17 Team’s Recommendations for Interim Goals and Interim Targets for the Comprehensive
18 Everglades Restoration Plan” dated February 17, 2005 (RECOVER Recommendations). The
19 RECOVER Recommendations will be used as a technical reference, along with new science,
20 modeling and technical information, for use in planning projects, interpreting future CERP
21 performance, and guiding the adaptive management process. The RECOVER report also provides
22 additional detailed information and explanation for indicator use and interim targets predictions.

23
24 The signatories to this Agreement note that the RECOVER Recommendations are based upon
25 certain assumptions. These assumptions include information developed using the hydrologic
26 model utilized to formulate the Plan, as well as the Plan schedule that was submitted to the
27 Congress in the Army Corps of Engineer’s April 1999 Central and Southern Florida Project
28 Comprehensive Review Study. The RECOVER Recommendations also assumed that projects
29 contained in the Plan would be fully funded and constructed consistent with the original Plan
30 schedule.

31
32 As noted in the RECOVER Recommendations, there are some current limitations on the
33 recommended interim target performance predictions because of uncertainties with the models and
34 science at the time they were developed, as well as the fact that existing models were unable to
35 provide incremental interim target performance predictions for certain indicator conditions.
36 Because of this and the fact that certain assumptions since the Plan was authorized in WRDA
37 2000 have changed, the signatories to this Agreement support as a high priority the continued
38 development and refinement of the recommended indicators and interim targets contained within
39 the RECOVER Recommendations consistent with the requirements of the programmatic
40 regulations. Accordingly, in adopting the recommended suite of indicators and interim targets
41 outlined in Section D of this Agreement, the signatories to this Agreement expect that RECOVER
42 will continue to refine its recommendations for indicators and interim targets, develop predictive
43 measures for interim targets for certain indicator conditions that presently lack predictive
44 measures, and develop incremental performance predictions for the interim targets. The
45 signatories to this Agreement agree that the best available information and changes in assumptions
46 since the Plan was first authorized in WRDA 2000, and the current version of the Master
47 Implementation Sequencing Schedule (MISP) shall be utilized in developing incremental
48 performance predictions for the initial suite of interim targets that are identified in Section D and
49 adopted by the signatories to this Agreement. Future modifications of interim targets identified in

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Section D to include incremental performance predictions shall be made by amendment to this Agreement.

C. Duties

For the reasons stated above, the Parties agree as follows:

1. Plan Projects will be sequenced and scheduled as appropriate to achieve the interim targets identified in this Agreement and the interim goals in the Agreement on Interim Goals to the extent practical given (1) funding, technical, or other constraints, and (2) the assumptions on which the 1999 Plan implementation schedule are based.
2. Pursuant to 33 C.F.R. § 385.20 (e)(1)(v), RECOVER shall assess progress toward achieving the interim targets established by this Agreement. RECOVER shall make the assessment no less than every five years from the date of this Agreement, or any revisions thereto, and shall provide the results of this assessment to the signatories to this Agreement.
3. RECOVER shall continue to refine and develop its recommendations, as described in the February 17, 2005 document “RECOVER Team’s Recommendations for Interim Goals and Interim Targets for the Comprehensive Everglades Restoration Plan,” and refine and develop for consideration by the signatories to this Agreement, the appropriate set of indicators and interim targets for areas affected by the implementation of the Plan. These recommendations should be provided to the signatories to this Agreement commensurate with RECOVER’s assessment of the progress toward achieving the interim targets established by this Agreement.
4. The interim targets will be modified through amendment of this Agreement, in consideration of RECOVER assessments and recommendations, to reflect any new information related to Plan implementation, including revised hydrologic models, project schedules, new scientific and technical information, information developed through assessment and adaptive management, and future authorized changes to the Plan integrated into the implementation of the Plan.
5. The Secretary of the Army and the Governor will review the Interim Targets Agreement at least once every five years after the date of the Interim Targets Agreement, to determine if the interim targets should be revised.

D. Interim Targets

Listed below is the list of the indicators (underlined) and qualitative interim target statements (*bulleted items in italics*) that shall be refined by RECOVER as described in this Agreement:

1. Water Volume

- *Distribute water across the ecosystem in a manner that reflects natural conditions while providing for other water-related needs of the region.*

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2. Water Supply for the Lower East Coast Service Area

- *Increase water supplies available for meeting existing and future water supply needs.*

3. Water Supply for the Lake Okeechobee Service Area

- *Increase water supplies available for meeting existing and future water supply needs.*

4. Protect the Biscayne Aquifer from Saltwater Intrusion

- *Maintain water levels in the primary coastal canals in Palm Beach, Broward and Miami-Dade counties to protect the aquifer by inhibiting movement of the saline interface.*

5. Flood Control: Root Zone Groundwater Levels in the South Miami-Dade Agricultural area East of L-31N

- *Maintain or improve the level-of-service of flood protection consistent with WRDA 2000 and Section 385.37 of the Programmatic Regulations.*

6. Flood Control: Groundwater Stages for Miami-Dade, Broward and Palm Beach Counties and Seminole Tribe Surface Water Management Basins

- *Maintain or improve the level-of-service of flood protection consistent with WRDA 2000 and Section 385.37 of the Programmatic Regulations.*

7. Flood Control: Flood Water Removal Rate for the Everglades Agricultural Area

- *Maintain or improve the level-of-service of flood protection consistent with WRDA 2000 and Section 385.37 of the Programmatic Regulations.*

8. Surface Water Storage Capacity

The following provides a qualitative interim target statement for surface water storage capacity, along with incremental performance predictions for the amount of storage that will be in place by the end of 2010 and 2015 based on the best available information regarding: 1) project costs; 2) future Federal and State budgets for the Plan; and 3) schedules for completion of Project Implementation Reports, obtaining project authorizations, and executing Project Cooperation Agreements.

- Provide increased surface water storage capacity
 - 2010 – 60,000 acre-feet
 - 2015 – 430,000 acre-feet

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E. Term, Third Party Rights and Applicability

1. This Agreement shall become effective when signed by the Parties and shall remain in effect until modified by the Parties pursuant to the terms of this Agreement.
2. This Agreement shall not confer any benefit or right upon third parties and shall be used solely by the signatories to this Agreement for the purposes described in this Agreement, Section 601 of WRDA-2000 and the programmatic regulations.
3. This Agreement does not affect decisions by the State regarding the sequencing, scheduling, design, construction, or operation of a project implemented by the State of Florida or the South Florida Water Management District in advance of executing a Project Cooperation Agreement with the Army Corps of Engineers for such project.

BY:

SECRETARY OF THE ARMY

Date: _____

GOVERNOR OF FLORIDA

Date: _____